

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES - GENERAL

Case No.	<u>CV 09-7822 PSG (SHx)</u>	Date	<u>December 14, 2009</u>
Title	<u>Elite Home Development, Inc. v. HomEq Servicing et al.</u>		

Present:	The Honorable Philip S. Gutierrez, United States District Judge
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Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings: (In Chambers) Remand Order

On October 27, 2009, Defendants Barclays Capital Real Estate, Inc., dba HomEq Servicing, erroneously sued as HomEq Servicing (“Defendants”) removed this action to this Court. On November 18, 2009, the Court issued an Order to Show Cause re: Remand (“OSC”) because it appeared that a limited liability company and a corporation were named as defendants in the action. On December 8, 2009, Defendants filed a response to the OSC, explaining that HomEq was erroneously identified as a limited liability company in the Notice of Removal. However, Defendants’ response to the OSC is insufficient because they fail to address the factors outlined in *Industrial Tectonics, Inc. v. Aero Alloy*, 912 F.2d 1090, 1094 (9th Cir. 1990). Because Defendants have failed to provide adequate evidence that Barclay Capital Real Estate, Inc.’s principal place of business is the state of Washington, the Court is unable to conclude that diversity jurisdiction exists. Accordingly, the Court REMANDS the case.

IT IS SO ORDERED.